

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Gabriel Randolph, #248729,	)	
	)	C/A No. 2:06-0052-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	
Aaron Joyner, Maj.; Kenny Green, Capt.;	)	<b>O R D E R</b>
Anna Redfearn, I/M Griev. Coord.; Calvin	)	
Quick, Lt.; William Ocean, Lt.; Willie	)	
Davis; and W. Martin, Lt. Of Fire Safety,	)	
each in his individual capacity;	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Gabriel Randolph is an inmate in custody of the South Carolina Department of Corrections (SCDC). At the time of the underlying complaint, Plaintiff was housed at the Evans Correctional Institution (ECI) in Bennettsville, South Carolina. Defendants are employees of SCDC stationed at ECI. Plaintiff, appearing pro se, brings this complaint pursuant to 42 U.S.C. § 1983, alleging that he was subjected to cruel and unusual punishment in violation of his rights under the Eighth Amendment.

Defendants filed a motion for summary judgment on June 1, 2006. On July 20, 2006, the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants' motion for summary judgment be denied. No party filed objections to the Report and Recommendation. The court issued an order on August 11, 2006 adopting the Report and Recommendation and appointing counsel for Plaintiff.

This matter now is before the court on Defendants' motion for reconsideration. Counsel for Defendants contends that he has no evidence that he was served with the Report and

Recommendation and seeks the opportunity to review the Report and Recommendation and file objections. The court has consulted with the appropriate personnel with the Clerk's Office and has determined that counsel was served electronically with the Report and Recommendation on July 20, 2006. The court declines to grant Defendants' motion for additional time to review the Report and Recommendation and file objections.

Defendants also object to the court's decision to appoint counsel for Plaintiff. The court finds that the interests of justice support the appointment of counsel, and that the presence of counsel will provide for a more efficient use of the court's resources at trial. Defendants' objection is without merit.

For the reasons stated, Defendants' motion for reconsideration is **denied**.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

August 23, 2006.